

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

Dated: 26.06.2007

..... PETITIONER

...RESPONDENTS

WRIT PETITION No.3498 of 2000

When the matter is taken up for hearing, the learned Counsel for the petitioner produced a copy of the judgment of this Court dated 22.02.2005 passed in W.P.No.16044 of 1995, wherein this Court held that no notice was given to the petitioner unit on which ground rebate of 25% on the power tariff was discontinued, which was already sanctioned by the competent

authority as per the eligibility certificate given to the petitioner. It was further held that there is absolutely no valid reason for discontinuing the power rebate. It was further held that as the petitioner run the unit for more than three years, the petitioner is entitled for rebate of 25% on power tariff for a period of three years as per the eligibility certificate dated 21.02.1994 issued by the District Industries Centre, Ranga Reddy District from the date of commercial production i.e., 02.12.1993.

In the light of aforesaid judgment, this Court is of the view that the subsequent action of the 3rd respondent issuing a bill for the month of January, 2000, wherein it was shown that the amount to be paid is Rs.72,330/- representing 25% rebate amount under the arrears column and accordingly levying a sum of Rs.1,359.37 paise towards additional charges for late payment is said to be illegal and arbitrary. When once the petitioner is entitled for rebate of 25% on power tariff as held by this Court in the aforesaid judgment, the question of levying additional charges for late payment does not arise.

The writ petition is accordingly allowed and the respondents are directed not to levy any additional charges on the 25% rebate extended to the petitioner. However, it is made clear that if there are any amounts that are due other than the said amount, it is always open to the respondents to collect the same from the petitioner. No costs.

(GOPALA KRISHNA TAMADA, J)

26-06-2007
Gsn.